



## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : A. KUHN

Confirmation No.: 9537

Application No. : 10/626,582

Group Art Unit: Unknown

Filed : July 25, 2003

Examiner: Not yet assigned

For : METHOD FOR ANALYZING READINGS OF NUCLEIC ACID ASSAYS

#### **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 (b)(3)**

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the 26 cited references listed on the attached PTO/SB/08a and b. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects its relative pertinence. Copies of the references are being submitted herewith, unless they are U.S. Patents or U.S. published applications.

Applicant respectfully requests that each of the cited references be expressly considered during the prosecution of this application and that the cited references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

It is believed that this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Thus, no certification or fee would be required.

Please credit or debit Deposit Account No. 50-2228 as needed to ensure consideration of the disclosed information.

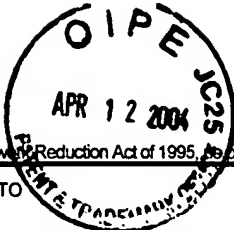
Respectfully submitted,

Date: April 12, 2004

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STATEMENT BY APPLICANT**

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Sheet 1 of 2

**Complete if Known**

Application Number	10/626,582
Filing Date	July 25, 2003
First Named Inventor	A. Kuhn
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020187.0150PTUS

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 6,043,880	03-28-2000	ANDREWS et al.	
		US- 5,270,184	12/1993	WALKER et al.	
		US- 5,455,166	10/1995	WALKER	
		US- 5,547,861	08/1996	NADEAU et al.	
		US- 5,550,025	08/1996	WALKER	
		US- 5,593,867	01/1997	WALKER et al.	
		US- 5,607,834	03/1997	BAGWELL	
		US- 5,691,145	11/1997	PITNER et al.	
		US- 5,694,211	12/02/1987	OSUKA et al.	
		US- 5,846,726	12/1998	NADEAU et al.	
		US- 5,866,336	02/1999	NAZARENKO et al.	
		US- 5,928,869	07/1999	NADEAU et al.	
		US- 6,316,200 B1	11/13/2001	NADEAU et al.	
		US- 6,656,680	12/02/2003	NADEAU et al.	
		US- 6,656,122 B2	12/02/2003	DAVIDSON et al.	
		US- 6,692,443 B2	02/17/2004	CRUTCHFIELD et al.	
		US- 2001/0036304 A1	11/01/2001	YANG et al.	
		US- 2002/0049384	04/25/2002	DAVIDSON et al.	
		US- 2002/0086306	07/04/2002	NADEAU et al.	
		US- 2002/0102574	08/01/2002	NADEAU et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		5-15439	03/01/93	JAPAN		X

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08b(05-03)

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Sheet 2 of 2

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Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020187.0150PTUS

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	SILVERMAN B., "Density Estimation for Statistics and Data Analysis", Chapman & Hall/CRC, 1-153(1998).	
	2	WALKER, G.T. et al., "DNA detection by strand displacement amplification and fluorescence polarization with signal enhancement using a DNA binding protein," Nucleic Acids Research, 24(2), 348-53(1996).	
	3	BAGWELL, C.G. et al., "A new homogeneous assay system for specific nucleic acid sequences: poly-dA and poly-A detection," Nucleic Acids Research, 22(12), 2424-25(1994).	
	4	LEE, L.G. et al., "Allelic discrimination by nick-translation PCR with fluorogenic probes," Nucleic Acids Research, 21(16), 3761-66(1993).	
	5	GHOSH, S.S. et al., "Real time kinetics of restriction endonuclease cleavage monitored by fluorescence resonance energy transfer," Nucleic Acids Research, 22(15), 3155-59(1994).	
	6	TYAGI S. et al., "Molecular Beacons: Probes that Fluoresce upon Hybridization," Nature Biotechnology, 14, 303-08(March 1996).	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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